IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETH DAY OF JUNE

TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 23964 of 2004

Between:

R.T.V.Aided Upper Primary School, School Committee president, Sri.Bopana Satyanarayana,S/o.Late Tata Rao, R/o.H.No.1-169,
Kothapalli Village, Gokavaram Mandal, East Godavari District.

..... PETITIONER

AND

1 The State Advisory Board of School Education, rep.by its Pricipal Secretary School Education,
Office at Secretary Building, Secretariat, Hyderabad.
2 The District Education Board, rep.by District Educational officer, office at Kakinada-Town
East Godavari District.
3 The Mandal Education Committee, rep.by its Mandal Educational officer,
Gokavaram Mandal, office at Mandal office, Gokavaram, East Godavari District
4 The Panchayat Education Committee, rep.by Sarpanch Kothapalli, Kothapalli (G.P), Gokavaram(M)
E.G.Dist.
5 The Correspondent / Manager R.T.V.A. up school, rep.by Smt.R.Pravathi Devi, R/o.Kothapalli (G.P) Gokavaram (M),
E.G.Dist.
6 Sri Ch.Srihari Rao Naidu Headmaster, R.T.V. Aided Up School, Kothapalli (G.P) Gokavaram (M),
E.G.Dist.
7 B.Nageshwar Rao Sec Grade Asst. R.T.V. Aided Up School, Kothapalli (G.P) Gokavaram (M),
E.G.Dist.
8 B.Rama Prasad Telugu Pandit Grade-II, R.T.V. Aided Up School, Kothapalli (G.P) Gokavaram (M),
E.G.Dist.

9 Y.Subadrama Sec Grade Asst. R.T.V. Aided Up School, Kothapalli (G.P) Gokavaram (M),
E.G.Dist.
10 R.Kanakaratnam - Tailoring Teacher, R.T.V. Aided Up School, Kothapalli (G.P) Gokavaram (M),
E.G.Dist.
11 K.Lakshman Rao, Hindi Pandit, R.T.V. Aided Up School, Kothapalli (G.P) Gokavaram (M),
E.G.Dist.
12 Ch.Rushi Prasad, Sec Grade Asst. R.T.V. Aided Up School, Kothapalli (G.P) Gokavaram (M),
E.G.Dist.
13 B.Sreeramamurthy, Sec.Gr.Asst. R.T.V. Aided Up School, Kothapalli (G.P) Gokavaram (M),
E.G.Dist.
14 D.Veerabhadra Rao, Sec Gr.Asst. R.T.V. Aided Up School, Kothapalli (G.P) Gokavaram (M),
E.G.Dist.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of "writ of Mandamus" declaring the action of the respondents no 1 to 6, in not discharging their official functions as illegal, arbitrary and violative of Art 14, Article 14, 38, 41, 45 and 46 of the Constitution of India, and in gross violation of chapter VIII section 42 to 45 of Andhra Pradesh Education Act- 1998, and rules made there under, consequentially direct the respondents 1 to 6 to take steps to provide pucca building to R.T.V.A. UP School kothapalli village, Gokavaram Mandal, East Godavari District and to pass such other order(s).

Counsel for the Petitioner:MR.UNNAM.MURALIDHAR RAO

Counsel for the RespondentS.: GP FOR SCHOOL EDUCATION

The Court made the following :

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ORDER:

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This writ petition is filed by A.T.V.Aided Upper Primary School Committee President with a prayer to declare the action of the respondents 1 to 6 in not discharging their official functions as illegal, arbitrary and violative of Article 14,38, 41 of the Constitution of India.

2. The writ petitioner claims that the school committee has been constituted under Section 5 of Andhra Pradesh School Education (Community participated) Act, 1998. Some proceedings have been taken for shifting the school from the Management premises to some other premises. The premises of the management is in dilapidated condition and unfit to house the school. The Mandal Educational Officer-third respondent herein directed the students of 6^{th} and 7^{th} standard classes to be shifted to M.P.U.P School, Kothapalli and whereas the students of 1^{st} to 5^{th} standard classes to be shifted to Mandal Elementary School, Kothapalli. The Managing Committee questioned the proceedings of District Educational Officer in Writ Petition No. 18488 of 2004. The writ petition came to be disposed of with certain directions. The present writ petition has been filed by the President of the School Committee questioning the inaction of the respondents in not shifting the school to the premises offered by D.Venkateswar Rao on rent free.

3. The learned counsel for the petitioner submits that the premises offered by D.Venkateswar Rao is convenient place and whereas the premises of management is not suitable to run classes for students.

4. The learned Government Pleader for the school education appearing for the respondents 1 to 3 submits that there is no school committee as such, since the elections to the school committee has been dispensed with under Rc.No. 722/B4-4/2002, dated 17-7-2003 and therefore the writ petition is not maintainable.

5. The learned counsel appearing for respondent No. 5 submits that the writ petitioner has no locus standi to question the shifting of the premises from one place to another place and it is for the District Educational Officer to take necessary action keeping in view the welfare of the students and feasibility of the accommodation to run classes.

6. Virtually, this is second round of litigation. The earlier round of litigation has been taken by the Management of the School by filing W.P.No. 18488 of 2004 and necessary directions have been issued in the said writ petition to the District Educational Officer and Mandal Revenue Officer. I deem it appropriate to refer the relevant portion of the order passed in W.P.No. 18488 of 2004 and it is thus:-

> *"If that be the case, if the petitioner has already effected repairs to the existing premises and if the building is in good condition and found to be safe to the children, the District Educational Officer shall call for a report from the Mandal Educational Officer as to the safety measures and repairs undertaken by the petitioner to the existing building, and shall pass appropriate orders for re-location of the School in the petitioner's premises".*

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7. The District Educational Officer considered the facilities available in the premises offered by the management and various other factors and issued revised proceeding Rc.No.124/B7/2004, dated 2-12-2004. Since the formation of school committee itself is dispensed with under the proceedings referred in Rc.No.722/B4-4/2002, dated 17-7-2003, the writ petition filed by the School Committee is misconceived. The District Educational Officer considered the safety and welfare of the students and after satisfying himself about the condition of the building offered by the management passed orders on 2-12-2004. Such is the case, no relief can be granted to the writ petitioner.

8. Accordingly, the writ petition is dismissed. No order as to costs.

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B.Seshsayanna Reddy,J.

9th June, 2005

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The State Advisory Board of School Education, rep.by its Pricipal Secretary School Education,
Office at Secretary Building, Secretariat, Hyderabad.
2 The District Education Board, rep.by District Educational officer, office at Kakinada-Town
East Godavari District.
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4 The Panchayat Education Committee, rep.by Sarpanch Kothapalli, Kothapalli (G.P), Gokavaram(M)

E.G.Dist.

5. 2 CCs to G.P. for School Education, High Court Buildings, Hyderabad (OUT)

6. 2 CD copies

7. 1 CC to MR.SAMSON BABU

8. 1 CC to MR.MURALIDHAR RAO

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 23964 of 2004

9th June, 2005.